IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2832 OF 2006

AFL DHL Employees Union ..Petitioner.
Vs.
M/s. DHL World Wide Express (India) Pvt. Ltd.
& anr. ..Respondents.

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Mr. S.K. Talsania, Senior Advocate with Mr. K.S. Bapat, Mr. T.R. Yadav, Mr. Bennet D'Costa for the Petitioner.

Mr. J.P. Cama, Senior Advocate with Ms. Sushma Joshi i/b Haresh Mehta & Co. for the First Respondent.

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CORAM: DR. D.Y. CHANDRACHUD, J.

14th November, 2006.

P.C. :

At the hearing of the Petition, and without this Court going into the correctness of the order of the Industrial Court dated 31st October, 2006 in complaint (ULP) 90 of 2004, counsel appearing for the Petitioner and counsel appearing for the First Respondent have requested the Court to pass the following order with the consent of the parties without any further recording of reasons :

i) The Petitioner shall within a period of one week from

today move the conciliation offer under Rule 66(4) of the Industrial Disputes (Bombay) Rules 1957 to challenge the refusal of the First Respondent to recognize the office bearers of the union as protected workmen for the years 2003-04 and thereafter;

ii) The Petitioner shall furnish a copy of the application filed before the conciliation officer to the First Respondent simultaneously with the filing of the application;

iii) Parties shall appear before the conciliation officer for receiving directions on 22nd November, 2006 without being required to be served with any further notice by the conciliation officer;

iv) The conciliation officer shall decide the issue raised by the Petitioner on or before 6th January, 2007;

v) On behalf of the First Respondent, it has been stated that until the conciliation officer arrives at a final decision and for a period of three weeks from the date of the communication of the decision, the First Respondent shall not terminate the services of the five protected workmen referred to in the letter dated 9th

October, 2003 of the Petitioner to the First Respondent, a copy whereof is annexed at Exhibit A to the Petition. Since the learned counsel have stated that the Petition may be disposed of in the light of the aforesaid directions, and since no other point has been pressed on either side, the Petition is accordingly disposed of.